IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35950 of 2007(D)

PETITIONER:

BHASKARAN NAIR, AGED 58 YEARS,
S/O.GOVINDAN NAIR. VELLACHALLIL HOUSE,
MODAKKALLUR AMSOM DESOM, P.O.MODAKALLUR,
QUILANDY TALUK, VIA ATHOLI, KOZHIKODE DISTRICT.

BY ADV. SRI.P.K.JOSE
SMT.TESSY JOSE

RESPONDENTS:

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1. THE QUILANDY CO-OPERATIVE AGRICULTURAL
& RURAL DEVELOPMENT BANK LTD. NO. D 2020
P.O.BALUSSERY, QUILANDY REPRESENTED BY ITS
BRANCH MANAGER.

2. THE DEPUTY REGISTRAR, OFFICE OF THE
JOINT REGISTRAR, CO-OPERATIVE SOCIETIES (GENERAL)
KOZHIKODE.

BY GOVERNMENT PLEADER SRI.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P.(C).No.35950 of 2007

Dated this the 5th day of December, 2007

JUDGMENT

Having regard to the nature of the issues involved in this writ petition, notice to the first respondent is dispensed with, preserving its right to seek review of this judgment, if aggrieved. I have heard the learned counsel for the petitioner, in extenso, on the merits of the writ petition.

2. The petitioner availed a loan and failed to repay. The impugned proceedings followed. No separate ground of infirmity is urged. I do not find any jurisdictional error or infirmity in the legal proceedings.

3. On behalf of the petitioner, the submissions were confined to a request that the petitioner may be given an opportunity to wipe off the outstanding and save the property from distress action. It is stated in the writ petition that the

petitioner's daughter was seriously ill and that the petitioner had to incur heavy expenses.

Having regard to the totality of the facts and circumstances of the case, this writ petition is disposed of directing that if the petitioner remits the entire outstanding in six monthly instalments payable on or before 25th of every month commencing from December 2007, the impugned proceedings shall be dropped. If the petitioner fails to remit any of the instalments as above, the benefit of this judgment shall stand recalled automatically. On production of a copy of this judgment, the second respondent bank will intimate the petitioner in writing, the amounts which is due, so as to enable him to commence payment as scheduled herein.

THOTTATHIL B.RADHAKRISHNAN,
JUDGE

csl